

➡ **§ 2150. Assembly-Line Surveillance.**

(a) Each manufacturer offering new vehicles for sale in California shall make available to the state board at reasonable times and upon reasonable written notice its facilities for the purpose of observing assembly-line testing conducted pursuant to Article 1.

(b) Upon request, facilities at the assembly-line shall be made available for the state board to conduct its own assembly-line tests with the manufacturer's or the state board's own equipment. In lieu of the state board's surveillance testing at assembly-lines, a manufacturer and the executive officer of the state board may agree

(1) to the state board's surveillance testing in California at a point or points mutually satisfactory to both, or

(2) to surveillance being conducted by an independent laboratory pursuant to instructions of the executive officer. The executive officer shall endeavor to conduct assembly-line surveillance testing under this subdivision with respect to manufacturers whose assembly-lines are outside the continental United States.

➡ **§ 2151. New Motor Vehicle Dealer Surveillance.**

(a) No dealer shall sell, or offer or deliver for sale a new passenger car, light-duty truck, or medium-duty vehicle which is required to meet emission standards adopted pursuant to Chapter 2 (commencing with Section 43100) of Part 5 of Division 26 of the Health and Safety Code, unless such vehicle conforms to the following requirements:

(1) Ignition timing set to manufacturer's specification with an allowable tolerance of +- 3 degrees

(2) Idle speed is set to manufacturer's specification with an allowable tolerance of +- 100 rpm;

(3) Required exhaust and evaporative emission controls, such as EGR valves, are operating properly;

(4) Vacuum hoses and electrical wiring for emission controls are correctly routed; and

(5) Idle mixture is set to manufacturer's specification or according to manufacturer's recommended service procedure.

(b) The executive officer or his/her authorized representative shall, pursuant to Health and Safety Code Section 43012, conduct inspection and surveillance of new motor vehicles at dealerships to verify conformity with the requirements set forth in paragraph (a). Functional tests, steady-state inspection tests, and other tests as reasonably necessary shall be performed. The California Motor Vehicle Inspection Program emission test standards in Section 2176 applicable to the appropriate model year may be used by the executive officer or his/her authorized representative to verify the compliance of new motor vehicles with the requirements of subparagraph (a). Exceeding the limits specified in Section 2176 shall be deemed a violation of the requirements of subparagraph (a). Costs such as those enumerated in Section 2153 shall be borne by the manufacturers.

(c) Violation of the requirements set forth in paragraph (a) may result in one or more of the following sanctions:

(1) Dealer liability for a civil penalty pursuant to Health and Safety Code Section 43212; for the purpose of this section, the word "distributor" in Section 43212 includes dealers;

(2) Dealer infraction liability for violation of Vehicle Code Section 24007(b) or 27156; or

(3) Any other remedy against a manufacturer or dealer provided for by law.

➡ **§ 2152. Surveillance of Used Cars at Dealerships.**

(a) No dealer shall sell, or offer or deliver for sale a used passenger car, light-duty truck, or medium-duty vehicle which is required to meet emission standards adopted pursuant to Chapter 1 (commencing with Section 43000) of Part 5 of Division 26 of the Health and Safety Code, unless such vehicle conforms to the following requirements:

- (1) Ignition timing set to retrofit device or vehicle manufacturer's specification with an allowable tolerance ± 3 degrees;
- (2) Idle speed set to retrofit device or vehicle manufacturer's specification with an allowable tolerance of ± 100 rpm;
- (3) Required exhaust and evaporative emission controls, such as EGR valves, are operating properly;
- (4) Vacuum hoses and electrical wiring for emission controls are correctly routed and connected; and
- (5) Idle mixture set to retrofit device or vehicle manufacturer's specification or according to manufacturer's recommended service procedure.

(b) The requirements set forth in subparagraphs (a)(1) through (a)(5) shall also apply to a dealer when servicing emission related components. However, only that requirement(s) appropriate to the service performed shall apply.

(c) The executive officer or his/her authorized representative shall, pursuant to Health and Safety Code Section 43012, conduct inspection and surveillance of used motor vehicles at dealerships to verify conformity with the requirements set forth in paragraphs (a) and (b). Functional tests, steady-state inspection tests, and other tests as reasonably necessary, shall be performed. In addition, the California Motor Vehicle Inspection Program emission test standards in Section 2176 applicable to the appropriate model year may be used by the executive officer or his/her authorized representative to verify compliance with the requirements of subparagraph (a). Exceeding the limits specified in Section 2176 shall be deemed a violation of the requirements of subparagraph (a).

(d) Violation of the requirements set forth in paragraphs (a) and (b) may result in one or more of the following sanctions:

- (1) Dealer infraction liability for violation of Vehicle Code Section 24007(b) or 27156;
- (2) Action against the dealer's license pursuant to Vehicle Code Section 11713; or
- (3) Any other remedy against a manufacturer or dealer provided for by law.

➡ **§ 2153. Reimbursement of Costs.**

In connection with surveillance of emissions from new vehicles prior to their retail sale, the manufacturers of such vehicles shall pay fees to permit the state board to recover the state board's direct and indirect costs in conducting such surveillance. These costs will be computed on a person-hour basis according to time spent on each manufacturer, and shall include personnel salaries, administrative overhead, travel time and expenses. With respect to surveillance conducted away from the state board's Vehicle Testing Laboratory, if more than one manufacturer is involved in a particular trip, travel time and expenses shall be apportioned among them according to time spent in surveillance of each manufacturer's vehicles. The computations used in establishing fees will periodically be revised and shall be available upon request.